

Joint Standing Committee on Legal and Veterans Affairs

LD 400 **An Act to Clarify the Laws Relating to Gaming and Harness Racing**

PUBLIC 677

<u>Sponsor(s)</u>	<u>Committee Report</u>		<u>Amendments Adopted</u>
DIPIETRO	ONTP	MAJ	H-922
	OTP-AM	MIN	S-569

L.D. 400, originally titled “An Act to Authorize Video Gambling”, was carried over from the First Regular Session. It proposed to authorize the operation of video lottery terminals in clubs, hotels, nonprofit establishments and lounges licensed to sell liquor for on-premise consumption. The bill proposed an extensive regulatory system to monitor and oversee video gambling operations.

(The bill, as originally drafted, was not adopted. For other bills concerning gambling see L.D.s 1218, 1303 and 1891.)

Committee Amendment "A" (~~H~~74), which was the Minority Report of the Joint Standing Committee on Legal and Veterans Affairs, proposed technical corrections to the bill. The amendment also proposed allocation sections and a fiscal note.

(Not adopted)

Senate Amendment "A" (~~S~~569) This amendment proposed to replace the bill and to change the title to that given in the header of this summary. This amendment proposed to make a technical correction in the off-track betting laws concerning reduced payments for certain off-track betting facilities. This amendment also proposed to repeal the July 2, 1997 sunset of the reduced payment provision (Title 8, section 27~~6~~).

Current law requires that an organization must be in existence for at least 2 years prior to applying for a beano license. Chartered posts of nationally established veterans' organizations are exempt from the 2year requirement. This amendment proposed to expand the exemption from the 2-year requirement to all organizations in this State having a charter from a national organization.

House Amendment "A" To Senate Amendment "A" (~~H~~22) proposed to strike the emergency preamble and the emergency clause from Senate Amendment "A" (S-569).

Senate Amendment "A" To SENATE AMENDMENT "A" (~~S~~92) and SENATE AMENDMENT "B" (~~S~~591) both proposed new provisions concerning enforcement of the gambling laws. Specifically, the amendments proposed to define “illegal gambling machine” and to provide that illegal gambling machines and their monetary contents are subject to seizure and forfeiture in both civil and criminal proceedings.

(Not adopted)

Enacted law summary

Public Law 1995, chapter 677 makes a technical correction in the off-tracking betting laws concerning reduced payments for a certain off-track betting facility. It also repeals the sunset of the section of law providing for the reduced payments. It also allows any organization chartered

by a national organization to obtain a beano license, relieving these organizations of the current requirement that they be in existence in this state for 2 years before obtaining a license.

LD 848 An Act to Further the Privatization of Liquor Stores within the State ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEVENS A	ONTP	

LD 848 was carried over from the First Regular Session. It proposed to change the agency liquor store licensing process by eliminating certain selection guidelines, including the location requirements for agency liquor stores, and the licensing process. The bill proposed to allow the Bureau of Liquor Enforcement to issue an agency store license to any applicant who satisfies basic requirements and rules set by the bureau and who pays the annual \$2,000 license fee or \$300 license renewal fee. (See also L.D. 1706.)

LD 1076 An Act to Clarify the Laws Regarding the Ejection of a Person from a Boardinghouse DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES K	OTP MAJ	
	ONTP MIN	

LD 1076, carried over from the First Regular Session, proposed to provide that the law relating to ejection of disruptive or destructive persons from inns, hotels, lodging houses and boardinghouses applies, regardless of length of stay, if the guest is receiving services typically supplied to transient guests and possession and control of the room remain with the management of the facility.

LD 1218 An Act to Amend the Laws Relating to Harness Racing ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KERR	OTP-AM MAJ	
	ONTP MIN	

LD 1218, carried over from the First Regular Session, proposed to authorize the operation of video lottery terminals at commercial harness racing tracks, fairs and off-track betting facilities ("OTBs"). The bill proposed to allow Scarborough Downs to operate up to 600 terminals and Bangor Historic Raceway, each fair and each OTB to operate up to 200 terminals under limited regulatory oversight by the Harness Racing Commission. (See also L.D.s 400, 1303 and 1891, concerning gambling.)

Committee Amendment "A" (H891), which was the Majority Report of the Joint Standing Committee on Legal and Veterans Affairs, proposed to strike and replace the bill. The amendment proposed:

1. To permit video lottery machines, including tournament video gambling, to be operated after December 1, 1996 under extensive regulation by the State Police and the Bureau of Alcoholic

Beverages and Lottery Operations. The amendment proposed to allow the following entities, if they met licensing requirements, to operate the following numbers of video lottery machines: a commercial horse racing track, up to 150 machines; an off-track betting facility, up to 50 machines; an agricultural fair licensed to accept pari-mutuel wagers, up to 5 machines; an incorporated civic organization, up to 5 machines; the Passamaquoddy Tribe, up to 50 machines on Passamaquoddy Indian territory; and the Penobscot Nation, up to 50 machines on Penobscot Indian territory;

2. To distribute proceeds of the net machine income as follows: twenty percent to the distributor of the machine; twenty-three percent to the operators of the machine; fourteen percent to various agricultural and harness racing interests; one percent to the Local Government Fund; an amount sufficient to cover the costs of enforcing and administering the law to the State Police and the Bureau of Alcoholic Beverages and Lottery Operations; and the remainder to the General Fund;

3. To define "illegal gambling machine", to establish stiff penalties for manufacturing, selling, transporting, placing or possessing an illegal gambling machine and to provide a process under which the state could seize and cause the forfeiture of an illegal gambling machine; and

4. To add an allocation section and a fiscal note.

(Not adopted)

House Amendment "A" To Committee Amendment "A" (H907) proposed to make the following changes to the Majority Report of the committee:

1. To reduce the number of video lottery machines that may be operated as follows: commercial tracks reduced to 75 video lottery machines and off-track betting facilities reduced to 25 video lottery machines;

2. To remove provisions that proposed to permit the Penobscot Nation and the Passamaquoddy Tribe to operate video lottery terminals;

3. To ban the use of the word "casino" to describe any video lottery operation;

4. To reduce the percentage of the net terminal income to which licensees are entitled from 23% to 22% and to designate this 1% of net terminal income to the Office of Substance Abuse for treatment of compulsive gambling;

5. To reduce the percentage of the net terminal income to which distributors are entitled from 22% to 21%, and to increase the state share by 1%;

6. To require that the net increase in General Fund revenue from video lottery terminals be deposited in the Maine Rainy Day Fund;

7. To replace the allocation section.

(Not adopted)

**LD 1303 An Act to Clarify Definitions Under the Laws Concerning DIED BETWEEN BODIES
Games of Chance**

Sponsor(s)
MICHAUD

Committee Report
OTP-AM MAJ
OTP-AM MIN

Amendments Adopted

LD 1303, carried forward from the First Regular Session, proposed to change the definitions of “game of chance” and “game of skill” in Maine gambling law. The bill was introduced while a challenge to a State Police interpretation of the current law was pending in court; the bill was carried over to allow the case to be decided prior to the Legislature’s acting upon the bill. Decision was rendered in PVA v. State of Maine York Superior Court Docket CV-93-686 and CV-94-412 (December 19, 1995); the court found that under the definition of “game of chance” the outcome of the game must depend in a material degree on an element of chance. The court found that “material degree” meant “decisive.” The bill proposed to define “game of chance” to mean a game the outcome of which depends to any degree on an element of chance.

(Not adopted. The definition was changed, however, by L.D. 1891.)

Committee Amendment "A" (§17), which was the Majority Report of the Joint Standing Committee on Legal and Veterans Affairs, proposed to replace the bill. The amendment proposed to amend the laws on gambling by amending the definitions of "game of chance," "contest of chance" and "game of skill." The amendment proposed to make the defining factor in whether a game was a game of chance whether chance influenced the outcome in a way that could not be overcome by the application of skill. The amendment proposed to add a fiscal note.

(Not adopted. It is this version of the definitions, however, that was adopted through L.D. 1891.)

Committee Amendment "B" (§18), which was the Minority Report of the Joint Standing Committee on Legal and Veterans Affairs, proposed to replace the bill. This amendment proposed the following:

1. To amend the title of the bill to reflect the content of the amendment and to remove the emergency preamble and the emergency clause from the bill;
2. To prohibit a person, society or organization from operating tournament video games without a license issued by the Chief of the State Police. The amendment proposed to define a “tournament video game” as a game of skill that includes elements of chance and that employs 10 or more video terminals electronically linked in a network;
4. To permit the following entities to obtain a license to operate tournament video games: a person licensed to accept pari-mutuel wagers on horse racing; a nonprofit society or organization founded, chartered or organized in this State at least 2 years before submitting an application for a license; the Penobscot Nation and the Passamaquoddy Tribe;
5. Pursuant to authority granted by federal law, to exempt licensed tournament video games from federal law that would otherwise prohibit transportation of the video terminals in the State; and
6. To add a fiscal note to the bill.

(Not adopted)

House Amendment "A" To Committee Amendment "A" (~~\$90~~) proposed to allow high-stakes beano games to be operated 52 weekends per year. It proposed to retain the fee of \$50,000 for a 27weekend license and raise the license fee to \$0,000 for a 52weekend license.

(Not adopted)

LD 1591 An Act to Implement the Productivity Plan of the Department of Agriculture, Food and Rural Resources Relating to Harness Racing ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KERR	ONTP	

LD 1591, which was part of the Productivity Task Force Plan originally presented to the Appropriations Committee and which was separated from the rest of the plan and rereferred to the Legal and Veterans Affairs Committee, proposed to make adjustments to Other Special Revenue allocations for the Maine Harness Racing Commission and provide for the Commissioner of Agriculture, Food and Rural Resources to appoint the members of the Harness Racing Promotional Board.

LD 1611 An Act to Allow Limited Partnerships between Brewers and Wholesalers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FERGUSON	ONTP MAJ	
	OTP-AM MIN	

Current law prohibits a brewer from having a financial interest in a wholesaler. LD 1611 proposed to permit brewers and wholesalers to form limited partnerships: the brewer would be the limited partner and the wholesaler would be the general partner.

Committee Amendment "A" (~~\$446~~) which was the Minority Report of the committee, proposed to prohibit a brewer from participating in a limited partnership with a wholesaler for longer than 8 years. The amendment proposed to add a fiscal note.

(Not adopted)

LD 1621 An Act to Amend the Campaign Finance Laws ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GWADOSKY	ONTP	

LD 1621 proposed to permit the Commission on Governmental Ethics and Election Practices, in the event a campaign finance report does not substantially conform to the requirements of campaign finance laws, to assess a penalty equal to a percentage of the amount not timely disclosed multiplied by the number of days the disclosure was late. The bill proposed to permit the commission to determine the amount to be levied for nonmonetary reporting deficiencies.

**LD 1628 RESOLUTION, Proposing an Amendment to the Constitution
of Maine Regarding Municipal Certification of Direct
Initiative Petitions**

CON RES 3

Sponsor(s)
NADEAU

Committee Report
OTP-AM

Amendments Adopted
H-714

LD 1628, a constitutional resolution, proposed to amend the State Constitution to require that a direct initiative be submitted to municipal officials earlier than is now required in order to provide municipal officials more time to certify that the petitioners are certified voters. (Subject to referendum approval)

Committee Amendment "A" (H/14) proposed to add the necessary referendum clause and a fiscal note to the resolution.

Enacted law summary

Constitutional Resolution 1995, chapter 3 proposes to amend the State Constitution to require that a direct initiative be submitted to municipal officials earlier than is now required in order to provide municipal officials more time to certify that the petitioners are certified voters. (Subject to referendum approval, November, 1996.)

LD 1632 An Act Relating to the Sale of Alcoholic Beverages

PUI

Sponsor(s)
FERGUSON

Committee Report
OTP MAJ
ONTP MIN

Amendments Adopted
S-456

LD 1632 proposed to allow brewers to reimburse wholesalers, when price promotions occur, on the basis of the sales actually made ("depletion allowances") rather than on the basis of the amount shipped (current practice). The bill also allows brewers, wholesalers and retailers to offer sales promotions utilizing in-pack games and contests.

Senate Amendment "A" (S448) proposed to allow a certificate of approval holder to offer rebates on the purchase of malt liquor or wine.

(Not adopted)

Senate Amendment "B" (S456) proposed to amend the bill to provide that depletion allowances are permissible if they are posted in accordance with existing posting requirements. It also proposed to permit in-pack games, contests and sweepstakes only if a consumer is not required to purchase an alcoholic beverage in order to participate in the game, contest or sweepstakes.

Enacted law summary

Public Law 1995, chapter 582 permits brewers to offer depletion allowances to wholesalers. It also allows brewers, retailers and wholesalers to offer in-pack sales promotions provided the consumer is not required to purchase the beverage in order to participate in the game, contest or sweepstakes.

LD 1635 An Act to Amend the Law Concerning Tobacco Use by Juveniles PUBLIC 593

Sponsor(s)
MILLS

Committee Report
OTP-AM

Amendments Adopted
S-471

LD 1635 proposed to clarify the jurisdiction of the administrative court in the enforcement of violations of the tobacco laws.

Committee Amendment "A" (S471) proposed to make a technical change to the bill to clarify that the Administrative Court has exclusive jurisdiction over all civil violations by tobacco licensees and their agents of the laws related to retail tobacco sales; to amend the laws related to transfers of retail tobacco licenses; and to amend the laws related to the sale or distribution of tobacco to minors to provide that it is an affirmative defense to prosecution that the defendant distributed tobacco products to a person under 18 years of age who furnished fraudulent proof of age.

Enacted law summary

Public Law 1995, chapter 593 clarifies that the Administrative Court has exclusive jurisdiction over all civil violations by tobacco licensees and their agents of the laws related to retail tobacco sales. It also provides that a corporate retail tobacco licensee whose stock is publicly traded must surrender its license if more than 51% of the shares of the stock are sold or transferred. It establishes as a defense to prosecution for distribution of tobacco products to minors that the defendant distributed tobacco products to a person under 18 years of age who furnished fraudulent proof of age.

LD 1653 An Act to Amend the Election Laws DIED BETWEEN BODIES

Sponsor(s)
NADEAU

Committee Report
OTP-AM

Amendments Adopted

LD 1653 proposed:

1. To amend the definition of “voting district;”
2. To clarify what records and documents are open to public inspection and to require that certain records may be excluded from public inspection pursuant to a court order of protection;
3. To change the timing of the appointment of a qualified registrar of voters;
4. To amend the term of office for the registrar of voters;
5. To amend the deadline for candidates by nomination petition to withdraw their enrollment;
6. To repeal a provision regarding the removal of a voter's name from the voting list for failure to meet voting requirements;

7. To amend the provisions regarding the declaration of intent for the formation of a new party by requiring the declaration to include the name of a candidate for Governor or for President in the last preceding general election who was nominated by petition under the proposed party's designation. It also proposed to require the telephone number and signature of the voter or group of voters who file a declaration of intent;
8. To require that a candidate who intends to form a new party around his/her candidacy to use the proposed party's designation;
9. To amend the statement required of a candidate in the candidate's consent on a candidate's petition to include a declaration that the candidate meets the qualifications of the office the candidate seeks;
10. To amend the law regarding the filing deadline of a nomination petition for a special election;
11. To provide for a refund of the filing fee for a candidate for the office of President who is unopposed in the primary;
12. To change the law related to the deposit requirements for election recounts by establishing several new levels in the payment scale;
13. To increase the number of absentee ballots that a 3rd person may have at any time;
14. To allow the return of an absentee ballot in person;
15. To amend the law regarding a broadcast announcement of a political action committee to provide that a committee's report may be viewed at the office of the Commission on Governmental Ethics and Election Practices; and
16. To amend the election laws to make them gender neutral.

Committee Amendment "A" (H/37) proposed

1. To permit a candidate for State Senate or State Representative to withdraw a declaration agreeing to a voluntary spending limit if the opposing candidate does not agree to a spending limit. The amendment also proposed that a candidate that withdraws a declaration must be removed from the list, published by the Commission on Governmental Ethics and Election Practices, of those candidates who agree to spending limits;
2. To clarify that there is no statutory penalty imposed upon a candidate for failure to abide by a voluntary spending limit;
3. To provide that a registrar must place the name of a person who applies to register to vote or to enroll in a party on the voting list as soon as the voter is qualified;
4. To remove certain obsolete references in election law;
5. To preserve the law permitting a registrar of voters to remove a voter's name from a voting list for failure to meet voting requirements;
6. To prohibit a person paying another for collecting signatures if the payment is based on the number of signatures collected;

7. To remove the requirement that registrars hold particular hours before an election to accept walk-in voter registrations;
8. To remove the prohibition on a clerk delivering absentee ballots to persons who are members of a candidate's immediate family;
9. To permit more time for the Secretary of State to ensure proper printing of accurate ballot material by altering certain deadlines associated with party caucuses;
10. To make changes in several laws consistent with the proposal in the bill to amend provisions regarding the declaration of intent for the formation of a new party around a candidate;
11. To replace that portion of the bill concerning exclusion of a voter address from public inspection when the voter is protected by a court-issued protective order. The amendment proposed that a voter may have the voter's address excluded from the public record if the voter submits a signed statement that the voter has good reason to believe that the safety of the voter or of a member of the voter's family residing with the voter would be in jeopardy if the voter's address were open to public inspection.
12. To make technical changes to the bill, add an emergency clause to the bill (only those portions of the bill amending the laws related to voluntary spending limits by candidates were proposed to be made effective upon approval as an emergency) and add a fiscal note.

(Not adopted)

Senate Amendment "A" To Committee Amendment "A" (~~S61~~) and Senate Amendment "B" To Committee Amendment "A" (S507) both proposed to remove the provision of the committee amendment allowing a candidate for State Senate or State Representative to withdraw a declaration agreeing to a voluntary spending limit if the opposing candidate does not agree to a spending limit. Both amendments also proposed that spending limits apply to the entire election year, not per election.

(Not adopted)

Senate Amendment "A" (S470) and House Amendment "B" (H778) both proposed to prohibit persons who are currently charged with or have been convicted of violating state election laws from handling absentee ballots or participating in recount activities.

(Not adopted)

House Amendment "A" (H756) proposed to prohibit persons who are under indictment for violation of state election laws from handling absentee ballots or participating in recount activities.

(Not adopted)

LD 1692 An Act to Improve Local Control over Liquor Licensing

ONTP

Sponsor(s)
RAND

Committee Report
ONTP

Amendments Adopted

LD 1692 proposed to permit municipalities to deny or suspend a liquor license for noncompliance with a local zoning or land use ordinance. The bill proposed to give municipalities access to

records of establishments that sell liquor, with approval from the Bureau of Liquor Enforcement, for the purpose of investigating compliance with licensing requirements. The bill also proposed to allow municipalities to hold hearings for consideration of requests for renewal of liquor licenses and for consideration of the suspension of liquor licenses.

**LD 1706 An Act to Implement the Recommendations of the
Task Force on Alcoholic Beverage Sales**

DIED BETWEEN BODIES

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM MAJ
OTP-AM MIN

LD 1706 proposed to implement the unanimous recommendations of the Task Force on Alcoholic Beverage Sales.

The bill proposed to require the State to move as expeditiously as possible to close all state liquor stores with the goal of completing that process by August 31, 1996. The bill proposed that before a state store could be closed, there must be at least one reselling agency store within a one mile radius of the store closed.

The bill proposed that the transition to full privatization of delivery of wholesale and distribution functions be completed by February 1, 1998 through contracting with a private provider of integrated services. The bill proposed to require the Bureau of Alcoholic Beverages to develop contract performance standards and manage the bidding process. The bill proposed that the State retain control of approving products that are listed for sale in Maine, the determination of the wholesale price, the oversight of contracts with private service providers and the management of revenue collection. The bill proposed to require that the Bureau of Alcoholic Beverages establish a liquor tax that generates the same amount of revenue from the sale of alcoholic beverages as was generated in fiscal year 1994-95. Concern was raised that this tax provision of the bill might violate the constitutional prohibition on delegation of taxing authority. Staff provided an oral opinion and the Attorney General provided a written opinion that concluded that the provision would not violate the constitutional prohibition.

The bill proposed to require the State to provide some retraining and outplacement assistance to displaced state employees.

The bill proposed to remove limitations on the number of agency stores beginning April 1, 1996. The bill proposed to eliminate requirements in current law regarding proximity to existing stores but to retain proximity requirements regarding churches and schools.

The bill proposed that any agent that is federally registered as a wholesale dealer be permitted to resell to another agent or to an on-premise licensee. The bill proposed to allow the Bureau of Alcoholic Beverages and Lottery Operations to develop wholesale purchase discounts for reselling agents. The bill proposed to change license fees.

The bill proposed to remove all limitations on product and price advertising.

The bill proposed that during the transition to full privatization, the State could authorize the warehouse to distribute to on-premises licensees on the same basis as to agency stores. The bill proposed to require that transportation costs be charged separately and not be included in the wholesale price.

The bill proposed to provide funds for 4 additional liquor enforcement agents in the Bureau of Liquor Enforcement.

The bill proposed that when privatization is complete, the liquor-related functions of the State Liquor and Lottery Commission be repealed.

A major portion of the text of the bill (all of Part B) proposed technical corrections in the liquor laws in order to update provisions to reflect changes made by Public Law 1993, chapter 410, Parts XX and ZZ regarding the combination of the State Liquor Commission and the State Lottery Commission into the State Liquor and Lottery Commission and the transfer of the licensing and taxation responsibilities to the Department of Public Safety.

Committee Amendment "A" (HB63), which was the Majority Report of the Joint Standing Committee on Legal and Veterans Affairs, proposed to strike and replace the bill. The amendment proposed:

1. To close 5 state liquor stores;
2. To establish a package liquor store license permitting sales of spirits, wine and malt liquor at a fee that is the sum of the individual licenses to sell spirits, wine and malt liquor;
3. To require the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to provide to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs by January 1, 1997, a report specifying how the bureau is achieving or will achieve a series of specified efficiency goals;
4. To move \$300,000 in fiscal year 1996 and \$300,000 in fiscal year 1997 from money appropriated in 1995, for technology upgrades to the Bureau of Alcoholic Beverages and Lottery Operations for technology upgrades in state liquor stores;
5. To require the Bureau of Alcoholic Beverages and Lottery Operations, by August 1, 1996, to establish a system of 6 regions for distribution of liquor among state liquor stores. The amendment proposed that in each region, the bureau designate a state liquor store to serve as a regional warehouse for the region. The amendment proposed that under the regional system, the following positions be eliminated: one Store Operations Officer and 2 Retail Store Supervisors; and
6. To add a fiscal note and allocation section, to change the title of the bill and to remove the emergency preamble and emergency clause.

(Not adopted)

Committee Amendment "B" (HB64), which was the Minority Report of the Joint Standing Committee on Legal and Veterans Affairs proposed:

1. To maintain all the current restrictions on liquor advertising. In addition, the amendment proposed to prohibit off-premises advertising of spirits by agency liquor stores;
2. To exempt existing agency liquor stores from the requirement in the bill that agency stores carry at least \$5,000 of merchandise fit for human consumption. The amendment proposed to terminate the exemption when a license is transferred and a new license issued;
3. To provide that liquor rules adopted by the Bureau of Liquor Enforcement are "major substantive" rules for purposes of the Maine Administrative Procedure Act (new rules adopted

by the bureau implementing state liquor laws would be subject to legislative review and approval);

4. To replace the license fee structure proposed in the bill. The amendment proposed that the initial fee for an agency liquor store be \$2,000 and the renewal fee \$300. Under current law, an initial license is issued pursuant to a bidding procedure. Renewals, under current law, are \$300.
5. To remove the provision of the bill that would have permitted the Bureau of Alcoholic Beverages and Lottery Operations to close a state liquor store if the bureau determined that reasonable alternative access was available to persons previously purchasing spirits from the state store. The amendment proposed that no state liquor store be closed unless an agency store is opened within 10 miles of the closed state store.
6. To require that, during the transition to privatization of the wholesale liquor business, billings by the Bureau of Alcoholic Beverages and Lottery Operations for transportation costs associated with the wholesale sale of spirits to on-premise licensees be uniform throughout the State;
7. To remove the provision of the bill that would have allowed the Bureau of Alcoholic Beverages and Lottery Operations to provide price discounts to reselling agency liquor stores;
8. To provide that the license of an on-premise liquor licensee be suspended or revoked if the licensee attempts to purchase liquor from an agency liquor store using a bad check;
9. To permit agency liquor stores to be open on Sunday from 9 a.m. to 1 a.m. the next day, notwithstanding any local option decisions to the contrary;
10. To change the date in the bill by which state stores must be closed. This amendment proposed closure by December 31, 1996; and
11. To make technical changes to the bill, to remove the emergency preamble and emergency clause, to add a fiscal note, an appropriation section and an allocation section to the bill.

(Not adopted)

House Amendment "A" (H873) proposed to amend the bill to prohibit the sale of liquor for less than 8% above the Bureau of Alcoholic Beverages and Lottery Operations' price, except that a reselling agency liquor store would be permitted to resell liquor for less than 8% to other agents and to on-premise licensees.

(Not adopted)

General to Transfer Real Property, and to Authorize the Military Bureau to Retain the Proceeds of Armory Rentals

Sponsor(s)
FERGUSON

Committee Report
OTP-AM

Amendments Adopted
H-823
S-489

LD 1720 proposed to permit the Military Bureau to condemn and sell military property, including armories, without further legislative approval. The bill proposed that proceeds of the sales would be deposited into an account within the bureau and could be used by the bureau to acquire, construct and repair facilities. The bill proposed to create the Armory Rental Fund into which fees charged by the bureau for rental of its armories would be deposited and from which the Bureau could draw funds for operation and maintenance of the armories.

Committee Amendment "A" (~~\$489~~) proposed to create an Armory Rental Fund and authorize the Military Bureau to rent armories. The amendment proposed to delay the effective date of the creation of the Armory Rental Fund until July 1, 1997.

The amendment proposed to require the Adjutant General to obtain an appraisal of the value of any real property of the Military Bureau prior to selling that property and to prohibit the Adjutant General from selling any real property for less than that appraised value.

The amendment also proposed to authorize the Adjutant General to sell the armories in Brunswick, Newport, Rumford, Sanford and South Portland, subject to the restriction that they are appraised and not sold for less than that appraised value. The amendment also proposed to require the Adjutant General to obtain the approval of the Legislature and the Governor, through the enactment of a resolve, prior to selling any other armory or real property.

House Amendment "A" To Committee Amendment "A" (~~\$23~~) proposed to allow the Department of Defense and Veterans' Services, Military Bureau to make expenditures from the Capital Repair Account without legislative approval for any capital repair project costing less than \$300,000. The amendment proposed to prohibit the bureau from using the account for a capital repair project costing \$300,000 or more unless that expenditure is approved in advanced by the Legislature.

The amendment also proposed to require the Military Bureau to report to the Legislature every 2 years on planned capital repair projects costing less than \$300,000.

Enacted law summary

Public Law 1995, chapter 684 permits the Military Bureau, with certain restrictions, to sell certain military properties and to rent its armories. The revenues from these activities are placed in special accounts and the bureau has authority, with limitations, to use the funds for certain projects.

LD 1742 An Act to Amend the Liquor Licensing Laws

EMERGENCY

PUI

Sponsor(s)
STONE

Committee Report
OTP-AM

Amendments Adopted
H-726
S-447

LD 1742, originally titled “An Act to Amend the Definition of Outdoor Stadium in the Liquor Licensing Laws,” proposed to allow a stadium with 3,000 or more seats to be a licensed establishment for purposes of selling wine or malt liquors at times when the facility is being used for the playing of professional baseball. The bill proposed to allow concessionaires or lessees of such facilities to be issued licenses for the sale of wine or malt liquor.

Committee Amendment "A" (H/26) proposed to permit curling clubs to obtain licenses to sell liquor to be consumed on premises, to make a technical change in the bill, to amend the title of the bill and to add a fiscal note to the bill.

Senate Amendment "A" To Committee Amendment "A" (S/47) proposed a further technical change to the bill.

Enacted law summary

Public Law 1995, chapter 558 allows a stadium with 3,000 or more seats to be a licensed establishment for purposes of selling wine or malt liquors at times when the facility is being used for the playing of professional baseball and permits a curling club to obtain a license to sell liquor to be consumed on premises.

LD 1744 An Act to Revise the State Active Service Laws

PUBLIC 600

Sponsor(s)
NADEAU

Committee Report
OTP-AM

Amendments Adopted
H-784

LD 1744 proposed to authorize the Governor, the Adjutant General and the Deputy Adjutant General to order any member of the Maine National Guard into active state service for any purpose if the member consents. This bill proposed to remove the authority of the local sheriffs and Justices to call the Maine National Guard into state service. The bill proposed to add "helicopter airlift service" as an authorized service under state active service law. It proposed to remove a reference to the source of funding for the Commissioner of Human Services to reimburse the Maine National Guard for rendering emergency assistance.

The bill proposed to change the notice requirements for state service. It also proposed to provide that a commissioned officer does not enjoy the rights, authority and immunity of a law enforcement officer unless the officer is called up in emergency situations.

Committee Amendment "A" (H/84) proposed to remove the emergency preamble and emergency clause. The amendment proposed to retain existing law allowing a Justice of the Supreme Judicial Court, a Justice of the Superior Court, a county sheriff and certain local officials to request assistance from the state military forces under certain circumstances.

The amendment proposed to remove the provision in the bill that would have allowed the Adjutant General and the Deputy Adjutant General to order a member of the Maine National Guard, with the member's consent, to perform active state service. The amendment proposed to grant this authority to the Governor or the Governor's designee. The amendment proposed to add an allocation section and a fiscal note.

Enacted law summary

Public Law 1995, chapter 600 authorizes the Governor or the Governor's designee to order any member of the Maine National Guard into active state service for any purpose if the member consents. It adds "helicopter airlift service" as an authorized service under state active service law. It removes the reference in law to the source of funding for the Commissioner of Human Services to reimburse the Maine National Guard for rendering emergency assistance. It requires reasonable notice, appropriate to the duty to be performed, to members of the state military forces prior to their being called into active state service. It provides that a commissioned officer does not enjoy the rights, authority and immunity of a law enforcement officer unless the officer is called up in emergency situations.

LD 1785 An Act Relating to Payment of Tri-State Lotto Prizes

PUBLIC 652

Sponsor(s)
NADEAU
FERGUSON

Committee Report
OTP-AM

Amendments Adopted
H-773

LD 1785 proposed to permit the voluntary assignment of Tri-State Lotto prizes. The bill proposed to permit an assignor of a prize to cancel the assignment within 45 business days after the assignment agreement is signed. This bill also proposed to permit the prizewinner to pledge future prize payments as collateral for a loan. The bill proposed that provisions of the bill permitting the assignment or pledge of prizes would be repealed if the United States Internal Revenue Service or a court rules, with regard to prizes that are not assigned or pledged, that the right to do so requires the taxation of the entire prize in the year in which it is received rather than the years in which amounts are actually paid.

Committee Amendment "A" (H/773) proposed to reduce the period in which the assignor of a prize is permitted to cancel an assignment to 15 business days

Enacted law summary

Public Law 1995, chapter 652 permits the voluntary assignment of Tri-State Lotto prizes. It permits a prizewinner to cancel an assignment within 15 business days after an assignment agreement is signed. It also permits the prizewinner to pledge future prize payments as collateral for a loan. This law does not become effective until concurrent legislation is enacted by New Hampshire and Vermont

LD 1823 An Act to Reform Campaign Finance

DIED BETWEEN BODIES

Sponsor(s)

Committee Report
ONTP MAJ
OTP-AM MIN

Amendments Adopted

LD 1823, a citizen initiative, proposed to change campaign and election laws. The initiative proposed a voluntary, publicly financed campaign financing option for candidates running for Governor, State Senator and State Representative. The initiative proposed that participating candidates not be permitted to accept or spend private contributions during the primary or general elections and be required to abide by other campaign contribution and spending restrictions. The

initiative proposed to establish a special fund to fund these campaigns. Sources of revenue for the fund would be qualifying contributions obtained by participating candidates, a transfer of money from the legislative and executive budgets, a voluntary \$3 income tax checkoff and voluntary donations.

The initiative proposed to change the makeup and process of selection of the Commission on Governmental Ethics and Election Practices and to fund its operations in monitoring campaign finance data by increasing lobbyist registration fees.

The initiative proposed to reduce the amount of money that political action committees, committees, corporations, associations and individuals may contribute to candidates.

The House of Representative requested an Opinion of the Justices on several legal questions about the initiative. The justices responded on April 3 (Docket N. OJ-96-3) by stating that since the bill had “expired” in the legislative process, there was no solemn occasion and they had no authority to issue an opinion.

Because LD 1823 was not enacted, the initiative is subject to referendum in November, 1996.

Committee Amendment "A" (H336), which was the Minority Report of the Joint Standing Committee on Legal and Veterans Affairs, proposed to add a fiscal note to the bill.

LD 1827 An Act to Seek Congressional Term Limits ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP	

LD 1827, a citizen initiative, proposed to require the Secretary of State to print certain words next to the names of candidates who either refused to pledge to support congressional term limits or who failed to undertake any one of a number of listed activities in support of congressional term limits or in support of the calling of a Constitutional Convention. This initiative also proposed to direct the Legislature to make application to Congress calling for a constitutional convention to propose an amendment to the federal constitution to establish congressional term limits and to direct the Governor to aid in such application. It proposed to direct the State's congressional delegation to work to support such an amendment to the federal constitution.

The House of Representatives sought an Opinion of the Justices on several legal questions raised by this initiative. The justices responded with their opinions on these questions on April 3, 1996 (Docket No. OJ-96-2).

Because LD 1827 was not enacted, the initiative is subject to referendum in November, 1996.

LD 1851 An Act to Clarify the Process for Referendum Recount DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COMMITTEE BILL	OTP	

LD 1851, which was reported by the Joint Standing Committee on Legal and Veterans' Affairs pursuant to Public Law 1995, chapter 506, section 2, proposed to recast the election recount process in the context of referendum recounts to clarify the various procedural requirements.

This bill also proposed to allow the Secretary of State to conduct a recount in stages or by region and to direct the State Police to take physical control over ballots in a sequence or order that facilitates the orderly recount of the ballots.

Currently, the costs of conducting a referendum recount are not budgeted since the costs are speculative until a recount is actually requested and conducted. This bill proposed to provide that the costs of conducting a referendum recount are paid from the Rainy Day Fund and, to the extent necessary, from the unappropriated surplus of the General Fund.

Senate Amendment "A" (§587) proposed to remove language in the bill that authorizing transfer from the Rainy Day Fund and the unappropriated surplus of the General Fund to fund costs of conducting a referendum recount.

(Not adopted)

Senate Amendment "B" (§588) also proposed to remove language in the bill that authorizes transfers from the Rainy Day Fund and the unappropriated surplus of the General Fund to fund costs of conducting a referendum recount. The amendment proposed to appropriate \$5,700,000 to the rainy day fund program in fiscal year 199~~96~~; deappropriate \$1,800,000 from available balances in the General Purpose Aid for Local Schools program; authorize the State Controller to transfer any remaining balance in the General Purpose Aid for Local Schools program at the end of fiscal year 199~~96~~ to the rainy day fund program; and prohibit the transfer of any remaining balances in the General Purpose Aid for Local Schools program for any other purpose for the balance of fiscal year 199~~96~~.

(Not adopted)

Senate Amendment "C" (§596) also proposed to remove language in the bill that authorizes transfers from the Maine Rainy Day Fund and the unappropriated surplus of the General Fund to fund costs of conducting a referendum recount. The amendment proposed to appropriate \$5,700,000 to the Rainy Day Fund program in fiscal year 199~~96~~ and deappropriate \$1,800,000 from General Purpose Aid for Local Schools.

(Not adopted)

**LD 1867 An Act to Establish a Review Process for Certification of
Political Petitions**

ONTP

Sponsor(s)
LAWRENCE

Committee Report
ONTP

Amendments Adopted

LD 1867 proposed to provide that, whenever a petition is circulated and filed with the Secretary of State in accordance with the laws governing elections, the circulator may request that the Secretary of State return names to the registrar or registrars of the appropriate municipality or municipalities for a review of the certification of names appearing on the petition.

LD 1889 Resolve, to Validate the Reform Party Petition

RESOLVE 74
EMERGENCY

Sponsor(s)
LAWRENCE

Committee Report

Amendments Adopted

LD 1889, which was enacted without reference to committee, proposed to establish by law that the Reform Party be deemed to have met the signature requirements for the purpose of qualifying as a political party under Maine law. This resolve also proposed to extend certain deadlines for the Reform Party to fulfill certain other specified requirements of law in order to qualify as a political party.

Enacted law summary

Resolve 1995, chapter 74 establishes by law that the Reform Party is deemed to have met the signature requirements for the purpose of qualifying as a political party under Maine law and extends certain deadlines for the Reform Party to fulfill other specified requirements of law in order to qualify as a political party.

LD 1891 An Act to Clarify the Gambling Laws of Maine

PUBLIC 674

Sponsor(s)
BUCK

Committee Report

Amendments Adopted

LD 1891, which was enacted without reference to committee, was introduced immediately following the final vote on LD 1303. The bill proposed to change the definitions of "game of chance" and "game of skill" in Maine's gambling laws. The bill was intended to overrule the Maine Superior Court decision in *Sylvester v. State of Maine* Superior Court Docket Nos. CV-93-686 and 94412 (York County, December 19, 1995) in which the court ruled that a tournament video poker machine was a game of skill under the Maine Revised Statutes, Title 17, section 330, subsection 2A. This bill proposed to change the law to make it clear that tournament video machines and similar games, contests, schemes or devices are games of chance regulated under the laws of Maine.

Currently, the defining element of a game or contest of chance is that the outcome depends in a material degree on an element of chance. This bill proposed to establish as the defining element whether chance influences the outcome of the game in a way that can not be overcome by the application of skill.

This bill also proposed to establish a mechanism for individuals and businesses to request a predetermination from the State Police of whether a game, contest, scheme or device is a game of skill or a game of chance, in order to assist private citizens in complying with the law.

The bill proposed to require the Chief of the State Police to notify licensees, incorporated civic organizations and the Maine Gaming Association of the provisions of the bill and the availability of the predetermination mechanism.

Enacted law summary

Public Law 1995, chapter 674 changes the definition of "game of chance" so that a defining element is whether chance influences the outcome of the game in a manner that cannot be overcome by the application of skill. It also allows individuals and businesses to request the State Police to make a determination whether a particular game, contest, scheme or device is a game of chance or a game of skill.

